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SANITARY LEGISLATION.

STATE LAWS AND REGULATIONS PERTAINING TO PUBLIC HEALTH.

ARIZONA.

Foodstuffs—Adulteration, False Labeling, and Misbranding of. (Act, Chap. 62, June 20, 1912.)

SECTION 1. The manufacture, production, preparation, compounding, packing, selling, offering for sale, or keeping for sale, within the State of Arizona, or the introduction into this State from any other State, Territory, or the District of Columbia, or from any foreign country, of any article of food or liquor which is adulterated, mislabeled, or misbranded, within the meaning of this act, is hereby prohibited. Any person, firm, company, or corporation who shall import or receive from any other State or Territory or the District of Columbia or from any foreign country, or who, having received, shall deliver for pay or otherwise or offer to deliver to any other person any article of food or liquor adulterated, mislabeled, or misbranded, within the meaning of this act, or any person who shall manufacture, produce, prepare, compound, pack, sell, or offer for sale or keep for sale in the State of Arizona any such adulterated, mislabeled, or misbranded food or liquor shall be guilty of a misdemeanor: *Provided*, That no article of food shall be deemed adulterated, mislabeled, or misbranded, within the provisions of this act, when prepared for export beyond the jurisdiction of the United States and prepared or packed according to specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if such foods shall be in fact sold, or kept, or offered for sale for domestic use and consumption, then this proviso shall not exempt said article from the operation of any provisions of this act.

SEC. 2. The term "food" as used in this act shall include all articles (whether simple, mixed, or compound) used for food, drink, liquor, confectionery, or condiment, by man or other animals.

SEC. 3. The standard of purity of food and liquor shall be that proclaimed by the Secretary of the United States Department of Agriculture.

SEC. 4. Food shall be deemed adulterated within the meaning of this act in any of the following cases: (1) If any substance has been mixed or packed, or mixed and packed with any food so as to reduce or lower or injuriously affect its quality, purity, strength, or food value. (2) If any substance has been substituted wholly or in part for the article of food. (3) If any essential or any valuable constituent or ingredient of the article of food has been wholly or in part abstracted. (4) If said food be mixed, colored, powdered, coated, or stained in any manner whereby damage or inferiority is concealed. (5) If said food contain any added poisonous or other added deleterious ingredient. (6) If said food consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of any animal or vegetable unfit for food, whether said food be manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter; provided that an article of liquor shall not be deemed adulterated, mislabeled, or misbranded if it be blended or mixed with like substance so as not injuriously to reduce or injuriously to affect its quality, purity, or strength. (7) In the case of confectionery, if said confectionery contains terra alba, barytes, talc, chrome yellow, or other mineral

substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor, compound, or narcotic drug. (8) If said confectionery does not conform to the standard of purity therefor as proclaimed by the Secretary of the United States Department of Agriculture.

Potable waters requiring bacteriological or chemical examination are included under the provisions of this act.

SEC. 5. The term "misbranded" as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any false statement, design, or device, regarding such article, or regarding the ingredients, or substances contained therein, which shall be false or misleading in any particular, and to any food product which is falsely branded as to the county, city, town, State, Territory, (or the District of Columbia) or foreign country, in which it has been manufactured, or produced.

SEC. 6. Food or liquor shall be deemed mislabeled or misbranded within the meaning of this act in any of the following cases: (1) If it be an imitation of or offered for sale under the distinctive name of another liquor or article of food. (2) If it be labeled or branded or colored so as to deceive or mislead, or tend to deceive or mislead, the purchaser; or if it be falsely labeled in any respect, or if it purport (with intent to mislead the purchaser) to be a foreign product, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents placed in such package. (3) If when in package, and the contents are stated in terms of weight and measure, such weight and measure are not plainly and correctly stated on the outside of the package. (4) If the package containing it, or the label of said package, shall bear any statement, design, or device regarding the ingredients or the substance contained therein, which statement, design, or device, shall be false or misleading in any particular. (5) Unless when any package bears the name of the manufacturer, jobbers, or sellers, or the grade or the class, of the product contained therein, it bears the name of the real manufacturers, jobbers, or sellers, and the true grade or class of the product, same expressed in clear and distinct English words in legible type; provided that an article of food shall not be deemed misbranded if it be a well known food product of a nature, quality, and appearance and so exposed to public inspection, as not to deceive or mislead nor tend to deceive or mislead a purchaser, and not misbranded and not of the character included within the definitions of subdivisions 1 to 4 of this section. (6) If, having no label, it is an imitation or adulteration, or is sold or offered for sale under a name, designation, description, or misrepresentation, which is false or misleading in any particular whatever; and in case of butter, eggs, and poultry, when offered or exposed for sale, if they have been kept or packed in cold storage or otherwise preserved, unless they be so indicated by written or printed label or placard plainly designating such fact, and the date of the placing in cold storage.

SEC. 7. The term "package" as used in this act shall be construed to include any phial, bottle, jar, demijohn, carton, bag, case, can, box, or barrel, or any receptacle, vessel, or container of whatsoever material or nature which may be used by a manufacturer, producer, jobber, packer, or dealer, for inclosing any article of food.

SEC. 8. The possession of any adulterated, mislabeled, or misbranded article of food or liquor by any manufacturer, producer, jobber, packer, or dealer in food, or broker, commission merchant, agent, employee, or servant of any such manufacturer, producer, jobber, packer, or dealer shall be prima facie evidence of the violation of this act.

SEC. 9. For the purpose of this act there is hereby established a State laboratory for the analysis and examination of foods, water supplies, and drugs. Said laboratory shall be under the supervision of a director, and shall be located in rooms set aside for the purpose by the University of Arizona.

The board of regents of the University of Arizona, acting in joint session with the superintendent of public health, shall appoint a director of said laboratory, who shall

be a skilled pharmaceutical chemist or bacteriologist and analyst of foods, water supplies, and drugs. Said director shall perform all duties required by this act and by the board of regents of the University of Arizona acting in joint session with the superintendent of public health.

SEC. 10. The superintendent of public health shall cause to be made by the director of the State laboratory examinations and analyses of food and liquor on sale in Arizona, suspected of being adulterated, mislabeled, or misbranded, and he may appoint such agent or agents as he may deem necessary, and the sheriffs of the respective counties of the State are hereby appointed and constituted agents for the enforcement of this act, and any agent or sheriff shall have free access, at all reasonable hours, for the purpose of examining any place where it is suspected that any article of adulterated, mislabeled, or misbranded food exists, and such agent or sheriff upon tendering the market price of said articles, if a sale be refused, may take from any person, firm, or corporation samples of any articles suspected of being adulterated, mislabeled or misbranded, and shall deliver or forward such samples to the said director of the State laboratory for examination and analysis.

SEC. 11. It shall be the duty of the superintendent of public health whenever he has satisfactory evidence of the violation of any of the provisions of this act, respecting the adulteration, mislabeling, or misbranding of foods, to report such facts to the county attorney of the county where the law is violated, after the hearing provided in section 16 of this act.

SEC. 12. It shall be a misdemeanor for any person to refuse to sell to any sheriff or other agent of the superintendent of public health, any sample of food or liquor upon tender of the market price therefor, or to conceal any such food from such officer, or to withhold from him information where such food is kept or stored. Any such person so refusing to sell, or concealing such food, or withholding such information from said officer, upon conviction shall be punished by a fine of not less than \$5 nor more than \$500, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment.

SEC. 13. Whenever said director shall find from examination and analysis conducted under his supervision that adulterated or mislabeled or misbranded food has been on sale in this State, he shall forthwith report the same to the superintendent of public health.

SEC. 14. Every certificate signed by the said director of the State laboratory shall be prima facie evidence of the facts therein stated.

SEC. 15. The said director of the State laboratory shall make an annual report to the superintendent of public health on or before July 1 of each year upon adulterated, mislabeled, or misbranded foods and liquors, in which report shall be included the list of cases examined by him in which adulterants were found, and the list of articles found mislabeled or misbranded, and the names of the manufacturers, producers, jobbers, and sellers. Said report, or any part thereof, may, in the discretion of the superintendent of public health, be included by him in his report to the governor. The superintendent of public health may, in his discretion, publish any part of said report in any issue of his monthly bulletin.

SEC. 16. When any examination or analysis of the director of the State laboratory shows that any of the provisions of this act have been violated, notice of that fact, together with a copy of the certificate of the findings, shall be furnished to the party or parties from whom the sample was obtained or who executed the guaranty, as provided in this act, and a date shall be fixed by the superintendent of public health upon which date said party or parties may be heard before the superintendent of public health. The hearing shall be held in the city of Phoenix, and at least 15 days' notice thereof shall be served upon the party complained of. These hearings shall be confined to questions of fact. Parties interested therein may appear in person or by attorney and may propound interrogations and submit oral or written evidence to show any fault or error in the findings made by the director of the State laboratory.

If the examination or analysis be found correct, or if the party or parties fail to appear at such hearing after notice duly served as provided herein, the superintendent of public health shall forthwith transmit a certificate of the facts so found to the county attorney of the county in which said adulterated, mislabeled, or misbranded food was found. No publication, as in this act provided, shall be made until after said hearing is concluded.

SEC. 17. It is hereby made the duty of the sheriff of any county of this State, on presentation to him of a verified complaint of the violation of any provisions of this act, at once to obtain, by purchase, a sample of the adulterated, mislabeled, or misbranded food complained of, and divide said article into three parts, and each part shall be sealed by the sheriff with a seal provided for that purpose. If the package be less than 4 pounds in weight or in volume less than 2 quarts, three packages of approximately the same size shall be purchased and the marks and tags upon each package noted as above. One sample shall be delivered to the party from whom procured, or to the party guaranteeing such merchandise, one sample shall be sent to the director of the laboratory, and the third sample shall be sent to and held under seal by the superintendent of public health: *Provided*, That in the case of potable waters requiring bacteriological and chemical examination, or of perishable foods or drinks requiring special skill and care in sampling, the director of the State laboratory, or his representative, may make provision or issue direction for the taking and forwarding of such samples.

SEC. 18. For his services hereunder the said sheriff shall be allowed the same mileage for travel allowed by law to sheriffs on service of criminal process (together with such compensation as the board of supervisors of his county may be deemed reasonable), and all amounts expended by him in procuring and transmitting the said samples, which mileage and amount expended shall be audited and allowed by the said supervisors and paid by said county as other bills of said sheriff.

SEC. 19. It shall be the duty of the county attorney of each county to prosecute all violations of the provisions of this act occurring within his county.

SEC. 20. Any person, firm, company, or corporation, violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$5 nor more than \$500, or shall be imprisoned in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Food found to be adulterated, mislabeled, or misbranded, within the meaning of this act, may, by order of any court or judge, be seized and destroyed.

SEC. 21. One-half of all fines collected by any court or judge for the violations of the provisions of this act shall be paid to the State treasurer, and the State treasurer shall deposit such money to the credit of the fund for the maintenance of the State laboratory, to be drawn against by warrants of the State auditor upon claims which shall be approved by the director of the State laboratory and the superintendent of public health.

SEC. 22. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States from whom he purchased such articles to the effect that the same is not adulterated, mislabeled, or misbranded within the meaning of this act, designating it, and can also establish by satisfactory evidence that the article sold by him was mislabeled and that at the time of making such sale he was not aware of that fact. Said guaranty to afford protection must contain the name and address of the party or parties making the sales of such article to said dealer, and an itemized statement showing the article purchased; or a general guaranty may be filed with the Secretary of the United States Department of Agriculture by the manufacturer, wholesaler, jobber, or other party in the United States and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed under the food and drugs act June 30, 1906." In case the wholesaler, jobber, or manufacturer, or other

party, making such guaranty to said dealer resides within this State, and it appears from the certificate of the director of the State laboratory that such article or articles adulterated, mislabeled, or misbranded within the meaning of this act or the national pure food act, approved June 30, 1906, the county attorney must forthwith notify the Attorney General of the United States of such violation.

SEC. 23. The sum of \$4,500 annually is hereby appropriated out of any money in the State treasury not otherwise appropriated for the payment of the salary of the director, not to exceed \$1,800, the purchase of equipment, apparatus, chemicals, and supplies, of said laboratory and of the office expenses in connection with the same and for the compensation of additional assistants and other necessary help. The State auditor is hereby authorized to draw his warrants for the sums herein appropriated upon the presentation of vouchers duly approved by the director of the State laboratory and the superintendent of public health and the State treasurer is hereby directed to pay the same.

SEC. 24. All acts and parts of acts in conflict or inconsistent with this act are hereby repealed.

Vital Statistics—Bureau and Registrar of. (Act, Chap. 74, June 24, 1912.)

SECTION 1. That section 3 of chapter 76, Session Laws of the Twenty-fifth Legislative Assembly of the Territory of Arizona, approved March 18, 1909, be, and the same is hereby, amended to read as follows:

"SEC. 3. That the secretary of the State board of health shall have general supervision over the central bureau of vital statistics, which is hereby authorized to be established by said board, and shall be the State registrar of vital statistics.

"He shall receive an annual salary at the rate of \$1,000 from the date of the taking effect of this law, to be paid in equal installments at the end of every three months, in addition to his salary as State superintendent of public health. He shall also be allowed annually a sum not to exceed \$2,500 for the purchase of official books, records, files, certificates, and papers, and for other necessary expense that may be incurred in the proper conduct of the office. Suitable fireproof vault and filing cases for the permanent and safe preservation of all official records made and returned under this act shall be provided by the custodian of the capitol for the bureau of vital statistics in the State capitol.

"The accounts of the State registrar of vital statistics shall be audited by the State board of health and the same, together with his salary, shall be paid out of the State treasury."

SEC. 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 3. Whereas in the heretofore existing laws the secretary of the State board of health was allowed annually a sum not to exceed \$1,000 for contingent expenses as State registrar of vital statistics; and

Whereas it has been ascertained that the said sum of \$1,000 is not sufficient to cover the contingent expenses of said office; and

Whereas the immediate operation of this act is necessary for the public health and for the support and maintenance of the department of the State board of health, an emergency is hereby declared to exist and this act shall be in full force and effect after its passage and approval by the governor and is hereby exempt from the operation of the referendum provision of the State constitution.

VERMONT.

Board of Health—Organization of. (Act No. 214, Dec. 18, 1912.)

SECTION 1. Section 5411 of the Public Statutes, as amended by section 1 of No. 153 of the acts of 1908, is hereby amended so as to read as follows:

"SEC. 5411. Said board shall organize by electing a president and treasurer and shall appoint a secretary, who shall be a reputable practicing physician of this State,